APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,817	07/09/2003	Takao Kondo	NEC MA-579	1431

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EXAMINER
COTTINGHAM, JOHN R

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/615,817	KONDO, TAKAO
	Examiner	Art Unit	
	John R. Cottingham	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>1-13</u> is/are allowed.
6)☒ Claim(s) <u>14-16</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>7/9/03 9/26/05</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller

U.S. Patent 6,308,265. Miller shows all of the claimed subject matter of a boot region

switching method of a microcomputer in Figures 1-4.

Regarding claim 14, a boot region switching method of a microcomputer

including a non-volatile memory having a first memory block and a second memory

block formed of a program region and a boot area designation flag region, of the

microcomputer, comprising the steps of: when storing a new boot program in said non-

volatile memory instead of said boot program, erasing data of said second memory

block, storing said new boot program in said program region of said second memory

block, storing data which are different from data stored in said boot area designation

flag region of said first memory block in said boot area designation flag region of said

second memory block, and erasing data of said first memory block. (col. 5 line 45- col.

7, line 16)

Regarding claim 15, wherein when reading said boot program, reading said boot

area designation flag from said first memory block and said second memory block,

executing said boot program stored in said first memory block or said new boot program

stored in said second memory block based on a comparison result of said boot area

designation flag. (col. 7, line 65- col. 8. line 20)

Regarding claim 16, wherein said boot area designation flag region of said

second memory block including a first boot area designation flag region and a second

boot area designation flag region, instead of said step of storing data which are different

from data stored in said boot area designation flag region of said first memory block in

said boot area designation flag region of said storing data which second memory block,

are different from data stored in said boot area designation flag region of said first

memory block in said first boot area designation flag region of said second memory

block, storing same data as data of said boot area designation flag region of said first

memory block in said second boot area designation flag region of said second memory

block. (col. 5 line 32- col. 6 line 10)

Allowable Subject Matter

3.   Claims 1-13 are allowed.

4.   The following is a statement of reasons for the indication of allowable subject

matter: the prior art of record neither teaches nor suggests all of the claimed subject

matter of claim 1 including a control element for, when designating other pair of memory

blocks not designated as a boot region as a new boot region, storing a value obtained

by subtracting a predetermined value from an initial value set at said boot area

designation flag of the memory block of all said memory block pairs in the boot area

designation flag of each memory block of said other memory block pair and at the time

of booting the system, if the values of the boot area designation flags in the memory

blocks of said other memory block pair are equal and not the initial value, determining

that the boot program is stored in said other memory block pair to set said region

switching flag; the prior art of record neither teaches nor suggests all of the claimed

subject matter of claim 7 including when designating other memory block pair not

designated as a boot region as a new boot region, stores a value obtained by

subtracting a predetermined value from an initial value set at said boot area designation

flag of the memory block of all said memory block pairs in the boot area designation flag

of each memory block of said other memory block pair and at the time of booting the

system, if the values of the boot area designation flags in the memory blocks of said

other memory block pair are equal and not the initial value, determines that the boot

program is stored in said other memory block pair, and when the values of the boot area

designation flags in the memory blocks of said other memory block pair are equal and

not the initial value, if the values of the boot area designation flags in the memory blocks

of said specific memory block pair are equal, determines that the boot program is stored

in a memory block of a memory block pair which stores a boot area designation flag

whose value is smaller; the prior art of record neither teaches nor suggests all of the

claimed subject matter of claim 13 including at the time of booting the system, if the

values of the boot area designation flags in the memory blocks of said other memory

block pair are equal and not the initial value, determining that the boot program is stored

in said other memory block pair, when the values of the boot area designation flags in

the memory blocks of said other memory block pair are different or the initial value,

determining that the boot area designation flag in question is invalid to determine that the boot program is stored in the user region of the memory block of said specific memory block pair.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tojima U.S. Patent 6,018,629, Jefferies et al. U.S. Patent 5,974,544 show similar inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Cottingham whose telephone number is (571) 272-7079. The examiner can normally be reached on Monday - Thursday, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571)272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John R. Cottingham
Primary Examiner
Art Unit 2116

jrc